



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



July 12, 2002

**Certified Mail  
Return Receipt Requested**

**Letter of Deficiency  
No. WMD 02-23**

Jeffrey W. Farris  
P.O. Box 74  
Winnisquam, NH 03289

**Re: SWC 91-79; Middle Route, Gilmanton, NH, Map 13, Lot 008-0100**

Dear Mr. Farris:

On September 5, 2001, October 31, 2001, December 6, 2001, June 19, 2002, and July 9, 2002, personnel from the Department of Environmental Services, Waste Management Division ("DES") conducted inspections of your property on Middle Route, Gilmanton, NH, more particularly identified on Gilmanton Tax Map 13, as lot 008-0100 ("Site"). The purpose of the inspections was to determine whether you were in compliance with RSA 149-M and rules adopted pursuant thereto relative to the management of solid waste.

1. During the September 5 inspection, DES personnel observed solid waste consisting of, but not limited to, old bicycles, plywood, tires, carpeting, a truck bed, scrap metal, old windows, shutters, a sink, demolition debris, and empty 5-gallon pails.
2. By letter dated September 26, 2001, DES personnel requested that Mr. Farris remove all solid waste at the Site to a permitted solid waste facility by October 26, 2001.
3. On September 28, 2001, Mr. Farris contacted DES. Mr. Farris informed DES personnel that he planned on cleaning-up the Site. Mr. Farris stated that some of the material, such as the windows, shutters, and bicycles, would be reused. DES personnel suggested that he store this material in an organized manner at the Site. Mr. Farris informed DES personnel that he would have the Site cleaned-up by the October 26, 2001 deadline.
4. On October 31, 2001, DES personnel conducted a follow-up inspection of the Site. DES personnel observed little to no change at the Site. DES personnel observed solid waste consisting of, but not limited to, construction and demolition debris, scrap tires, scrap metal, old bicycles, wooden pallets, a sink, empty 5-gallon pails, old windows, white goods, water heaters, and several old toilets.
5. By letter dated November 1, 2001, DES personnel requested that Mr. Farris remove all solid waste at the Site to a permitted solid waste facility by November 26, 2001.

6. On November 28, 2001, Mr. Farris contacted DES. Mr. Farris informed DES personnel that he had removed approximately four tons of material from the Site. Mr. Farris stated he would forward copies of disposal receipts.

7. On December 6, 2001, DES personnel conducted a follow-up inspection of the Site. DES personnel observed a significant clean-up of the Site. One small pile of scrap metal, several piles of wood, and approximately 25 tires remained at the Site. The windows and the shutters were neatly stacked at the rear of the property.

8. By letter dated December 7, 2001, DES personnel requested that Mr. Farris remove the remaining solid waste at the Site to a permitted solid waste facility by December 31, 2001.

9. On June 19, 2002, DES personnel conducted a follow-up inspection of the Site. DES personnel observed a pick-up truck parked at the entrance to the Site. No one was present at the Site. DES personnel observed solid waste consisting of, but not limited to, a rusty bicycle, a pile of treated wood, metal railings, a tub, a washing machine, and approximately 25 tires.

10. On June 24, 2002, DES personnel contacted Mr. Farris. DES personnel informed Mr. Farris that the remaining solid waste at the Site needed to be disposed of at a permitted solid waste facility. Mr. Farris stated that he believed that people were dumping solid waste at the Site. DES personnel suggested that Mr. Farris secure the Site with a gate or a fence. DES personnel asked Mr. Farris when he intended to have the Site cleaned-up. Mr. Farris informed DES personnel that he would have the Site cleaned-up within two weeks.

11. On July 9, 2002, DES personnel conducted a follow-up inspection of the Site. DES personnel observed little or no change at the Site since the June 19 inspection. The pick-up truck parked at the entrance to the Site had been removed.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M and RSA 147-A, specifically:

RSA 149-M:9, I                      Operating an unpermitted solid waste facility.

RSA 149-M:9, II                    Disposing of solid waste at an unpermitted solid waste facility.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

**Immediately** cease operating an unpermitted solid waste facility.

2. **Immediately** cease disposing of solid waste at an unpermitted solid waste facility.

3. Remove all solid waste at the Site, by **July 26, 2002**, to a permitted solid waste facility.

4. **By August 1, 2002**, submit to DES written confirmation that these steps have been completed, including copies of all disposal receipts for the solid waste, at the address below.

Please address all correspondence and reports regarding this matter to:

DES, WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6507

Attention: Kenneth W. Marschner

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Tammy Calligandes at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,

**COPY**

Kenneth W. Marschner  
Administrator  
Waste Management Programs

Certified Mail RRR#: 7000 1670 0000 0584 3526

CC: DB/Town/File  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Legal Unit  
Town Clerk, Gilmanston, NH